

#13/Response
12.3.02
C. Moore
PATENT

Docket No.: D414

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Takeshi Nogami	:	Confirmation No.:	7243
Serial No.:	09/579,340	:	Art Unit:	2814
Filed:	5/25/2000	:	Examiner:	Vikki H. Trinh
For:	INTEGRATED CIRCUIT CHIP WITH HIGH- ASPECT RATIO VIAS			

Box AF
Commissioner for Patents
Washington, D. C. 20231

RESPONSE AND REQUEST FOR RECONSIDERATION

Sir:

The following Remarks are submitted in response to the Final Office Action dated
Oct. 2, 2002.

FAX RECEIVED**REMARKS**

DEC 02 2002

TECHNOLOGY CENTER 2800***Response to Arguments***

It is respectfully submitted that the Examiner is applying obsolete law and an incorrect standard for the 35 USC §103(a) rejections in this case.

Of the cases cited by the Examiner: *Graham v. John Deere Co.* is a 1966 case; *In re McLaughlin* is a 1971 case; and *In re Bozek* is a 1969 case.

On January 18, 2002, the Court of Appeals for the Federal Circuit (CAFC) vacated a judgment of the Board of Patent Appeal and Interferences in *In re Sang-Su Lee*, 277 F.3d 1338 (Fed. Cir. 2002) because the Board had erroneously held that "the conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference." This conclusion is analogous to the standard the Examiner is applying in relying on *In re McLaughlin*, *supra*.